

OFFICIAL GAZETTE



GOVERNMENT OF GOA

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Civil Supplies Department

Directorate of Civil Supplies and Price Control

ORDER

DCS/S-3-3/Cem/88

In exercise of the powers conferred under sub-clause (1) of clause 7 of the Goa, Daman and Diu Cement Dealers Licensing Order, 1978, and in supersession of all previous orders on the subject, I, Director of Civil Supplies and Price Control, Panaji, hereby make the following Order to regulate the sale, disposal, delivery and distribution of levy cement in the State of Goa, namely:—

1. Declaration of Stocks.— (i) Every stockist or dealer in levy cement in the State of Goa shall from the date of publication of this Order in the Official Gazette, declare forthwith the stock of levy cement held by him, to the Director of Civil Supplies and Price Control, Panaji.

(ii) Every declaration made under sub-clause (i) above, shall contain details as to the places or the godowns in which the levy cement declared, is stocked.

(iii) A copy of the declaration made under sub-clause (i), shall be submitted by the stockist or dealer, to the Mamlatdar of the concerned Taluka, within whose jurisdiction the stockist or the dealer is having his place of business.

2. Submission of returns.— (i) Every stockist or dealer in levy cement in the State of Goa shall submit on every Monday a return showing correctly the stock of levy cement held by him at the beginning of the week, receipt and issuance of levy cement during the week, and the balance thereof at the end of the week, to the authority to whom the declaration under clause (1) has been submitted by him.

(ii) The copy of such return shall be submitted by the stockist or the dealer to the Mamlatdar of the concerned Taluka within whose jurisdiction the stockist or dealer has his place of business.

3. Disposing of levy cement by stockist or dealer.— (i) The Director of Civil Supplies and Price Control, Panaji, or the Deputy Director of Civil Supplies and Price Control, Panaji, and the Mamlatdar of the

concerned Taluka shall issue the permits for levy cement depending upon the availability of stocks of levy cement.

(ii) No stockist or dealer shall dispose in any manner levy cement in his stock to any person except on production of a valid permit issued by the authorities in Form "A".

(iii) A person requiring levy cement shall apply in Form "B" appended to this Order, to the Mamlatdar within whose jurisdiction the work is to be carried out or is being carried out, if the requirement is upto 15 bags and if the requirement exceeds 15 bags, to the Director of Civil Supplies and Price Control, Panaji. The applications for levy cement exceeding 15 bags in the North Goa District shall be presented in the office of the Director of Civil Supplies and Price Control, Panaji. However, applications for levy cement in South Goa District may be presented to the Inspector/Sub-Inspector of Civil Supplies, in the office of the Mamlatdar, Salcete Taluka, Margao.

(iv) Every application made under sub-clause (iii) shall be duly recommended in Form "C" by:—

(a) The Municipal Engineer or an Engineer or Architect of the Public Works Department, if the requirement of levy cement is for construction of dwelling units having plinth area upto 120 sq. metres;

(b) The Chief Officer of the concerned Municipality in Municipal areas or the Sarpanch in the Village Panchayat areas, if levy cement, upto 15 bags, are required for minor repairs;

(c) By the concerned Block Development Officer for any quantity of leavy cement, if the same is required for any construction connected with agriculture, like well, etc.

(v) In case the applicant has not utilized the levy cement purchased by him within the period specified, he may make an application to the authority who had issued the said permit, in Form "D".

(vi) No person shall obtain, attempt to obtain or store levy cement except under and in accordance with the permit issued by the concerned authorities in Form "A" under sub-clause (ii) of clause 3.

(vii) Any person acquiring levy cement in accordance with the permit issued by the concerned authorities in Form "A" shall within 48 hours of his acquisition of levy cement, declare the stock of levy cement held by him and indicate the place of storage

of levy cement to the Mamlatdar of the concerned Taluka irrespective of the fact whether the permit in Form "A" has been issued by the Director of Civil Supplies or Deputy Director of Civil Supplies or the Mamlatdar.

4. *Issue of Cash memo.* — Every stockist or dealer selling levy cement shall issue a cash memo to the purchaser signed by him and mentioning the permit number, its date, name and address of the purchaser, quantity, quality, rate and the total price for which the levy cement was sold by him to the purchaser. The cash memo shall be in possession of the person transporting the levy cement and shall be produced on demand to the Mamlatdar of concerned Taluka or Inspector or Sub-Inspector of Civil Supplies Department or of the Police Department.

5. *Selling Price of levy cement.* — Every stockist or dealer shall sell levy cement at the rate fixed by the Director of Civil Supplies, Panaji-Goa, or the Government. Any contravention of this clause shall be dealt with under section 7 of the Essential Commodities Act, 1955 (Central Act 10 of 1955).

6. *Maintenance of register.* — (i) Every stockist or dealer, besides observing compliance of all provisions of the Goa, Daman and Diu Cement Dealers Licensing Order, 1978 and the conditions imposed under the licence, shall also maintain a register showing the details of day-to-day transaction under the following heads: —

- (a) Date of transaction;
- (b) Name and address of purchaser;
- (c) Quantity sold;
- (d) The number of permits or authorisations against which the cement is sold;
- (e) Signature of the purchaser.

7. *Ban on hoarding.* — No stockist or dealer shall refuse to sell the levy cement available in his stock to a person having valid permit issued to him by the authorities referred to in clause 3 above.

Place — Panaji.

Date —

Jose Philip, Director of Civil Supplies, Panaji.

FORM "A"

GOVERNMENT OF GOA,

DIRECTORATE OF CIVIL SUPPLIES AND PRICE CONTROL

[See clause 3 (ii)]

Office of the Director of Civil Supplies and Price Control, Panaji.

You are authorised to supply levy cement as follows: —

1. Indentor's name ...
2. Address ...
3. Quantity ...

4. The period for which the consumer is permitted to be in possession of the levy cement from the date of issue, is ...
5. The levy cement is issued only for the purpose of ... and should be strictly used for that purpose.
6. The permit is not transferable.
7. The permit is valid for ... days from date of issue.

Date ...

Director of Civil Supplies/Dy. Director of Civil Supplies/Mamlatdar.

FORM "B"

GOVERNMENT OF GOA

Directorate of Civil Supplies and Price Control

[see clause 3 (iii)]

APPLICATION

From:

To:

I require ... (in words) bags of levy cement during the month of ... year ... for the following purpose: —

The work will be carried out at the following locality.

It is estimated that after the levy cement comes into my possession, the work will take ... days to complete by which time the levy cement will have been consumed.

I am attaching a certificate from the Engineer/Architect in Form "C" to the effect that for the purpose mentioned above, I shall require ... bags of levy cement. (The full name and address of the Architect/Engineer should be indicated) together with the plan duly approved by the Municipality/Panchayat and the Municipal/Panchayat licence.

I have signed the declaration overleaf and such declaration concerns this my application.

Place

Signature of applicant.

Date

No application will be considered, if the applicant fails to sign the declaration overleaf.

Declaration concerning the application for levy cement.

Stamp duty, if any payable on this agreement shall be borne by Government. No application will be considered, unless the declaration given below is signed by the applicant.

1. I declare that no levy cement was purchased by me for the purpose above ... bags of levy cement were purchased by me for the above purpose earlier, out of which ... bags were utilised/ ... bags are still in my possession/all the bags were utilised on the date of this application.

2. I declare that no other person has applied for the levy cement required for the specified purpose as mentioned above.

3. I declare that no application for the levy cement required for the specified purpose as mentioned above is being made by me, or by any other person on my behalf through any other channel.

4. I declare that if a certificate is issued on my application, the full quantity of levy cement shall be used only for the work stated above and that it will not be used for any other work or given or sold to my other party and breach by me of this condition will amount to misrepresentation and obtaining of levy cement by false pretence.

5. I agree that any authorized representative of the Director of Civil Supplies or the concerned Mamlatdar may inspect the work and my stocks obtained under this authorisation or previous authorisation whatever they may be, at any time or request, and I shall also provide such information as to its use as may be asked for.

6. I agree that if it is found that any portion of levy cement supplied to me has been resold or used for any purpose other than stated by me or stored by me for a period beyond that for which I am permitted, without obtaining fresh authorisation in this regard, all the levy cement in stock with me may be confiscated without prejudice to any other action for which I may be liable under the Essential Commodities Act, 1955.

Place

Date

Signature of the Applicant

Delete the words/expressions not required.

FORM "C"

Government of Goa

Directorate of Civil Supplies and Price Control,
Panaji.

[see clause 3 (iv)]

Shri/Smt/M/s. ... resident of ... requires ... bags of levy cement for the purpose of ... at ...

To the best of the knowledge and belief of this Panchayat/Municipality the requirement is genuine. There is therefore, no objection to any dealer/dealers releasing to him/her/them altogether ... bags of levy cement.

Place:

Date:

Engineer/Architect of the
Public Works Department

Block Development Officer/
Chief Officer/Sarpanch

... Municipality ... Panchayat.

FORM "D"

Government of Goa
Directorate of Civil Supplies and Price Control

[see clause 3 (v)]

From:

To:

Sir,

The levy cement issued to me under permit No. ... dt ... could not be utilized by me during the validity of the permit for the following reasons ...

I request you to grant me further extension of ... days/months for utilisation of the said levy cement.

Date:

Yours faithfully,

Transport Department

Notification

5/28/88-TPT

The below mentioned Notification from the Government of India, Ministry of Surface Transport (Transport Wing), New Delhi is hereby republished for general information of the public.

P. S. Nadkarni, Under Secretary to the Govt. of Goa, Transport Department.

Panaji, 20th June, 1989.

GOVERNMENT OF INDIA
MINISTRY OF SURFACE TRANSPORT
(Transport Wing)

New Delhi, dated 22nd May, 1989

Notification

S. O. 368(E) In exercise of the powers conferred by sub-section (3) of section 1 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby appoints the 1st day of July, 1989, as the date on which the said Act shall come into force.

Sd/-

B. R. Chavan

Jt. Secretary to the Govt. of India
File No. RT-11014/1/89-TAG

Law (Legal and Legislative Affairs) Department

Notification

10-3-88/LA (Part)

The following Notification received from the Government of India, Ministry of Law and Justice,

Legislative Department, New Delhi, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 12th June, 1989.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

Notification

New Delhi, the 1st May, 1989

G.S.R. 500(E). — The following Order made by the President is published for general information: —
"C.O. 140"

The Constitution (Distribution) No. 4 Order, 1989.

In exercise of the powers conferred by articles 270 and 275 of the Constitution, the President, after having considered the recommendations of the Finance Commission, hereby makes the following Order, namely: —

1. This Order may be called the Constitution (Distribution of Revenues) No. 4 Order, 1989.

2. The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) For the purposes of clause (2) of article 270, 1.124 per cent. of so much of the net proceeds of taxes on income as does not represent the net proceeds of taxes payable in respect of Union emoluments shall represent the proceeds attributable to Union territories for the financial year commencing on the 1st day of April, 1989.

(2) The percentage of the net proceeds of the taxes on income, except in so far as those proceeds represent proceeds attributable to Union territories or to taxes payable in respect of Union emoluments which is to be assigned to the States under the said clause in the financial year commencing on the 1st day of April, 1989 shall be eightyfive per cent and the total amount to be so assigned shall be distributed among the States as follows: —

| State | Percentage |
|-------------------|------------|
| Andhra Pradesh | 7.344 |
| Arunachal Pradesh | 0.066 |
| Assam | 2.507 |
| Bihar | 12.314 |
| Goa | 0.090 |
| Gujarat | 4.232 |
| Haryana | 1.048 |
| Himachal Pradesh | 0.505 |
| Jammu and Kashmir | 0.682 |
| Karnataka | 4.937 |

| State | Percentage |
|----------------|------------|
| Kerala | 3.553 |
| Madhya Pradesh | 8.000 |
| Maharashtra | 10.110 |
| Manipur | 0.181 |
| Meghalaya | 0.183 |
| Mizoram | 0.059 |
| Nagaland | 0.064 |
| Orissa | 4.054 |
| Punjab | 1.522 |
| Rajasthan | 4.773 |
| Sikkim | 0.028 |
| Tamil Nadu | 7.61 |
| Tripura | 0.269 |
| Uttar Pradesh | 18.326 |
| West Bengal | 7.539 |

4. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the Consolidated Fund of India, in the financial year commencing on the 1st day of April, 1989, as grants-in-aid of the revenues of each of the States specified below, the sums specified against it for that year: —

| State | (Rs. in crores) |
|-------------------|-----------------|
| Arunachal Pradesh | 70.45 |
| Assam | 140.10 |
| Goa | 16.69 |
| Himachal Pradesh | 98.74 |
| Jammu and Kashmir | 191.94 |
| Manipur | 66.80 |
| Meghalaya | 47.61 |
| Mizoram | 80.69 |
| Nagaland | 79.80 |
| Orissa | 57.19 |
| Rajasthan | 38.90 |
| Sikkim | 13.86 |
| Tripura | 81.63 |

(2) Any sum or sums payable under sub-paragraph (1) shall be in addition to any sum or sums payable to the States under each of the provisos to clause (1) of article 275.

5. The Constitution (Distribution of Revenues) Order, 1985, shall, as from the 1st day of April, 1989, stand repealed.

[No. F. 19(2)/89-L-I.]

R. VENKATARAMAN

President.

V. S. RAMA DEVI, Secy.